

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Robert K. Evans et al.	Art Unit: 1648
Serial No.:	10/578,955	Examiner: Chen, Stacy Brown
Filed:	May 10, 2006	Case No.: 21575P
For:	PRESERVATIVE-CONTAINING VIRUS FORMULATIONS	Confirmation No.:8652

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, Applicants requests that the patents, publications and/or other information listed on the number forms PTO/SB/08a submitted today, November 13, 2009, be made of record in the above-captioned application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that any search has been made.

3. Pursuant to 37 C.F.R. 1.98(a)(2)(ii), copies of each U.S. patent and each U.S. patent application publication are not enclosed herewith.

4. Applicants respectfully requests that the Examiner initial the attached forms PTO/SB/08a after reviewing the pertinence of each reference.

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the forms PTO/SB/08a that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. §120

are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U.S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97,

☐ the attached information is filed within three months of the filing date of the captioned case. Accordingly, it is believed that no fee is due.

☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits. Accordingly, it is believed that no fee is due.

☒ the attached information is filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114. Accordingly, it is believed that no fee is due.

☐ the attached information is being filed more than three months after the filing date and after that mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Accordingly, it is believed that no fee is due.

☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual

designated in §1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. Accordingly, it is believed that no fee is due.

☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. Accordingly, it is believed that no fee is due.

Respectfully submitted,

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